

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY,
AND AS FATHER AND NEXT FRIEND
OF JOHN WATSON, PPA
Plaintiff

v.

HUSQVARNA PROFESSIONAL
OUTDOOR PRODUCTS INC.
Defendant

CIVIL ACTION NO. 04-11782 DPW

**DEFENDANT'S MOTION *IN LIMINE* TO PRECLUDE PLAINTIFF'S EXPERT FROM
COMMENTING OR SUGGESTING THAT THE TRIGGER-LOCK WAS DEFECTIVE**

Unable to determine whether the power cutter was powered or coasting at the time Michael Watson suffered his injury, Plaintiff's expert, Leslie Wilder ("Wilder"), originally opined that the subject power cutter was defective for two reasons: (1) it was not equipped with a blade brake that would have stopped a coasting blade within two seconds and (2) the trigger-lock mechanism on the power cutter permitted the saw to be inadvertently activated. These dual theories were critical to plaintiff's case, because, as Wilder concedes, he is unable to opine as to whether it is more likely that Mr. Watson's injury was caused by a coasting blade or a powered blade. In its Memorandum and Order on Defendant's motion to preclude the testimony of Wilder and for summary judgment, the Court held that Wilder was not qualified to render an opinion that the trigger lock was defective, and granted defendant's motion for summary judgment as to that theory of defect. See Memorandum and Order dated August 4, 2006.

Nonetheless, given Wilder's admitted inability to determine whether Mr. Watson's injury was caused by a coasting blade or a powered blade, it is likely that at some point in Wilder's testimony, either on direct examination or on cross examination, Wilder will testify that the Mr.

Watson could have been injured when he inadvertently activated the power cutter. To the extent Wilder offers such testimony, consistent with the Court's prior rulings, he should be precluded from commenting or suggesting that the inadvertent activation of the power cutter was due to a defect in the power cutter.

ELECTROLUX PROFESSIONAL OUTDOOR
PRODUCTS, INC., n/k/a HUSQVARNA
PROFESSIONAL OUTDOOR PRODUCTS INC.,
By its Attorneys,

/s/ Andrew R. Levin

David A. Barry, BBO No. 031520
Andrew R. Levin, BBO No. 631338
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114-4737
(617) 227-3030
levin@srbc.com

DATED: February 21, 2007

CERTIFICATE OF SERVICE

I, Andrew R. Levin, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non- registered participants on February 21, 2007, 2006.

/s/ Andrew R Levin

levin@srbc.com